

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claims 20 to 23, claims 1 to 19 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority and the indication that all copies of the certified copies of the priority documents have been received from the International Bureau.

Applicant thanks the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

### **II. Rejection of Claims 1-3, 8-10, 13, 14, and 16-18 Under 35 U.S.C. § 102(b)**

Claims 1-3, 8-10, 13, 14, and 16-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,314,604 ("Frieze"). It is respectfully submitted that the present rejection should be withdrawn for at least the following reasons.

Claim 1 relates to a gas sensor for detecting a physical property of a measuring gas, comprising a first solid electrolyte layer, a second solid electrolyte layer, and a diffusion barrier arranged between the two solid electrolyte layers. Claim 1 has been amended herein without prejudice to recite that the diffusion barrier has a portion with a concave cross-sectional profile between the first and the second solid electrolyte layers in a cross-sectional plane transverse to the first and second solid electrolyte layers. Support for this amendment may be found, for example, in Figures 1 and 2. The Office Action apparently recognizes that Frieze fails to disclose this feature. As such, it is respectfully submitted that Frieze does not anticipate claim 1 or any claim that depends from claim 1.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

### **III. Rejection of Claims 4-7 Under 35 U.S.C. § 102(b)**

Claims 4-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,859,307 ("Nishizawa"). It is respectfully submitted that the present rejection should be withdrawn for at least the following reasons.

Claim 4 relates to a gas sensor for detecting a physical property of a measuring gas, comprising first and second solid electrolyte layers and a diffusion barrier. The diffusion barrier is arranged between the first and second solid electrolyte layer. Claim 4 has been

amended herein without prejudice to recite that the diffusion barrier arranged on parallel opposed surfaces between the first solid electrolyte layer and the second solid electrolyte layer. Support for this amendment may be found, for example, in Figures 1 and 2. In contrast, the porous layer 8 described by Nishizawa is not arranged on parallel opposed surfaces between a first solid electrolyte layer and a second solid electrolyte layer. As such, Nishizawa does not anticipate claim 4 or any claim that depends from claim 4.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

#### **IV. Rejection of Claims 11 and 12 Under 35 U.S.C. § 103(a)**

Claims 11 and 12 were rejected under 35 U.S.C § 103(a) as unpatentable over the combination of Friese and U.S. Patent No. 6,375,816 ("Jach"). It is respectfully submitted that the present rejection should be withdrawn for at least the following reasons.

Claims 11 and 12 ultimately depend from 1 and therefore include all of the features included in claim 1. As more fully set forth above, Friese fails to disclose, or even suggest, all of the features included in claim 1, from which claims 11 and 12 ultimately depend. Jach does not cure the critical deficiencies of Friese. As such, the combination of Friese and Jach does not render unpatentable claims 11 and 12, which ultimately depend from claim 1.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

#### **V. Rejection of Claim 15 Under 35 U.S.C. § 103(a)**

Claim 15 was rejected under 35 U.S.C § 103(a) as unpatentable over Friese or over the combination of Friese and Jach. It is respectfully submitted that the present rejection should be withdrawn for at least the following reasons.

Claim 15 ultimately depends from 1 and therefore includes all of the features included in claim 1. As more fully set forth above, Friese fails to disclose, or even suggest, all of the features included in claim 1, from which claim 15 ultimately depends. Jach does not cure the critical deficiencies of Friese. As such, neither Friese alone nor the combination of Friese and Jach renders unpatentable claim 15, which ultimately depends from claim 1.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

**VI. Rejection of Claim 19 Under 35 U.S.C. § 103(a)**

Claim 19 was rejected under 35 U.S.C § 103(a) as unpatentable over the combination of Friese and U.S. Patent No. 6,773,565 ("Kunimoto").. It is respectfully submitted that the present rejection should be withdrawn for at least the following reasons.

Claim 19 depends from 1 and therefore includes all of the features included in claim 1. As more fully set forth above, Friese fails to disclose, or even suggest, all of the features included in claim 1, from which claim 19 depends. Kunimoto does not cure the critical deficiencies of Friese. As such, the combination of Friese and Kunimoto does not render unpatentable claim 19, which depends from claim 1.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

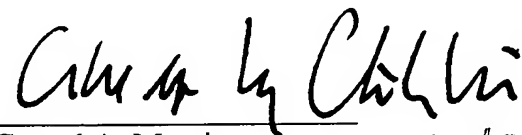
**VII. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date: Dec. 12, 2007

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